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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 DAVID AMBRIZ CRUZ, JR.,

12 Defendant.

CASE NO. CR13-5457BHS

ORDER

13 This matter comes before the Court on Defendant's second, unopposed motion for a
14 continuance of the trial date and the pretrial motions deadline. The Court, having considered the
15 unopposed motion, the affidavit of defense counsel in support of the motion and the Defendant's
16 speedy trial waiver makes the following findings of fact and conclusions of law:

17 1. The defense needs additional time to complete an evaluation related to this
18 case while the parties pursue an agreed disposition.

19 2. Taking into account the exercise of due diligence, a continuance is necessary to allow
20 the defendant the reasonable time for effective preparation his defense, to explore resolution of
21 this case before trial and to substantially ensure continuity of defense counsel. 18 U.S.C. §
22 3161(h)(7)(B)(iv).

1 3. Proceeding to trial absent adequate time for the defense to prepare would result in a
2 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

3 4. The ends of justice served by granting this continuance outweigh the best interests of
4 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

5 5. Defendant waived speedy trial through July 31, 2014.

6 NOW, THEREFORE, IT IS HEREBY ORDERED

7 That the trial date is continued from January 21, 2014, to March, 11, 2014, at 9:00 a.m.
8 Pretrial Conference is set for March 3, 2014, at 9:00 a.m. Pretrial motions are due by February
9 13, 2014. The resulting period of delay from January 10, 2014, to March 11, 2014, is hereby
excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A) and (B)

10 Dated this 13th day of January, 2014.

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BENJAMIN H. SETTLE
United States District Judge